

AMENDED IN ASSEMBLY AUGUST 23, 2004

AMENDED IN ASSEMBLY JUNE 16, 2004

AMENDED IN SENATE JUNE 3, 2003

AMENDED IN SENATE MAY 20, 2003

**SENATE BILL**

**No. 86**

**Introduced by Senator Machado**

January 27, 2003

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An act to add Chapter 4.6 (commencing with Section 31180) to Division 21 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 86, as amended, Machado. Sacramento-San Joaquin Delta Conservancy Program.

Existing law authorizes the State Coastal Conservancy to acquire, manage, direct the management of, and conserve specified coastal lands and wetlands in the state.

This bill would establish the Sacramento-San Joaquin Delta Conservancy Program, to be administered by the conservancy, for the purpose of restoring, enhancing, and protecting the unique agricultural, economic, natural, cultural, recreational, public access, and urban waterfront resources and opportunities of the Sacramento-San Joaquin Delta, as defined, in a coordinated, comprehensive, and effective manner, as prescribed.

The bill would create the Sacramento-San Joaquin Delta Conservancy Program Account in the State Coastal Conservancy Fund, for the purpose of depositing and disbursing funds for the administration and implementation of the program. The bill would

require that the money in the account be segregated into 2 subaccounts; the first of which would contain state funds that are appropriated by the Legislature for the purposes of the program; the second of which would contain nonstate funds that are derived from other sources, exclusive of federal funds, for the purposes of the program.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 4.6 (commencing with Section 31180) is added to Division 21 of the Public Resources Code, to read:

CHAPTER 4.6. SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY PROGRAM

31180. The Sacramento-San Joaquin Delta Conservancy Program is established pursuant to this chapter, to be administered by the conservancy, for the purpose of restoring, enhancing, and protecting the unique agricultural, economic, natural, cultural, recreational, public access, and urban waterfront resources and opportunities of the Sacramento-San Joaquin Delta in a coordinated, comprehensive, and effective manner.

31181. (a) The Legislature hereby finds and declares that the Sacramento-San Joaquin Delta constitutes a region of significant statewide importance to the people of California. The Legislature further finds and declares that one of the state's primary goals for the delta is to protect, maintain, enhance, and restore the overall quality of the delta environment with respect to resources, including, but not limited to, agriculture, wildlife habitat, public access, and recreational opportunities.

(b) The Legislature further finds that, in order to protect the delta, it is important that urban development not occur in the primary zone, as defined in Section 29728, so that agriculture, wildlife, and recreation are allowed to flourish.

31182. For purposes of this chapter, the following terms have the following meanings:

(a) "Commission" means the Delta Protection Commission as established pursuant to Chapter 3 (commencing with Section 29735) of Division 19.5.

(b) “Delta” means the Sacramento-San Joaquin Delta, as defined in Section 12220 of the Water Code, and, in addition, the area within the incorporated limits of the City of Rio Vista.

(c) “Program” means the Sacramento-San Joaquin Delta Conservancy Program established pursuant to this chapter.

31183. The conservancy may undertake projects in the delta ~~with public and private entities, and may award grants or loans, or both, to public agencies, nonprofit organizations, and private entities to achieve the following goals of the program:~~

~~(a) Implementation of the long-term resource management plan adopted by the commission under Section 29760. In undertaking and funding projects designed to implement the resource management plan and projects undertaken by the conservancy not included in the resource management plan, the conservancy shall work in conjunction with the commission and shall consult public and private entities and individuals, including advisory committees established under Section 29753 and similar groups, as appropriate.~~

~~(b) and may award grants or make loans to public agencies and nonprofit organizations to achieve the following goals of the program:~~

(a) Promotion of farming in a manner that integrates agricultural activities with environmental protection and that also sustains the economics of the region through wildlife-friendly farming practices, implementation of innovative farming technology, improvement of water quality and water usability, enhancement of habitat, integrated pest management practices, and other approaches.

~~(e) Protection of farmland, including, but not limited to, land~~

~~(b) Protection of farmland and promotion of agricultural viability, including, but not limited to, land used or usable for grazing.~~

~~(d) Restoration, enhancement, and protection of open space~~

~~(c) Restoration, enhancement, provision, and protection of open space and natural areas.~~

~~(e) Compatibility of agricultural and other private land uses,~~

~~(d) Furthering compatibility of agricultural and other private land uses, recreational and educational uses, and wildlife protection.~~

~~(f) Implementation of the policies, programs, and plans of the commission, the CALFED Bay-Delta Program, and the adopted plans of local governments and special districts that are consistent with the policies, programs, and plans of the commission.~~

~~(g)–~~

(e) Collaboration with public or private entities and individuals that support the economy of the communities and rural areas of the delta, including urban waterfronts.

~~(h)–~~

(f) Provision of public access and recreational opportunities.

~~(i) Provision, protection, and enhancement projects that provide open space and natural areas.~~

~~(j)–~~

31184. For purposes of this chapter only, the conservancy may not undertake or fund an acquisition of property rights where there is not a willing seller. In addition, the conservancy may not undertake or fund an acquisition of property rights that is in conflict with existing rights of mineral interests owners.

~~31184.—not a willing seller.~~

31185. In developing projects under the program, the conservancy shall give priority to those projects that meet all of the following criteria:

(a) Supported by adopted local or regional plans.

(b) Serve a multijurisdictional or regional constituency.

(c) Include matching funds from other sources of funding or assistance. The matching funds obligation can be satisfied by the provision of in-kind activities that further the goals of the conservancy.

(d) Can be implemented in a timely manner.

(e) Serve more than one of the goals described in Section 31183.

~~31185.—At least 60 days prior to the conservancy approving the implementation of a program project, the conservancy shall submit a project description summary to the commission for review. If the commission has not, within 60 days from the date of that submission, acted to disapprove the proposed project on the grounds that the project is in conflict with the long-term resource management plan, the project may proceed pursuant to this division.~~

~~31186.—~~

1     31186. (a) *The conservancy shall work with the commission*  
2 *to implement appropriate goals and policies of the resource*  
3 *management plan adopted by the commission pursuant to Section*  
4 *29760. The conservancy shall conduct, in conjunction with the*  
5 *commission, an assessment of the conservation needs of the delta*  
6 *that describes the actions needed to fulfill the program's goals*  
7 *described in Section 31183.*

8     (b) *The commission may request conservancy action through*  
9 *the program by resolution, or may adopt a list of priority areas or*  
10 *concerns that shall also provide guidance to the program.*

11     (c) *At least 60 days prior to the conservancy approving a*  
12 *project, the conservancy shall submit a project description*  
13 *summary to the commission for review.*

14     31187. (a) The Sacramento-San Joaquin Delta Conservancy  
15 Program Account is hereby created in the State Coastal  
16 Conservancy Fund for the purpose of depositing and disbursing  
17 funds for the administration and implementation of the program.

18     (b) (1) The money in the account created pursuant to  
19 subdivision (a), which shall be available for expenditure upon  
20 appropriation by the Legislature, shall be segregated into two  
21 subaccounts, as follows:

22     (A) The first subaccount shall contain state funds that are  
23 appropriated by the Legislature for the purposes of this chapter. All  
24 interest that accrues on the funds in this subaccount shall be  
25 transferred to, and deposited into, the General Fund. The  
26 conservancy shall account for all deposits of funds in this  
27 subaccount that are derived from funds that were appropriated by  
28 the Legislature for the purposes of this chapter.

29     (B) The second subaccount shall contain nonstate funds that are  
30 derived from other sources, exclusive of federal funds, for the  
31 purposes of this chapter, including, but not limited to, private  
32 donations made for the purposes of this chapter, regulatory fees,  
33 and local government contributions made for the purposes of this  
34 chapter. All interest that accrues on the funds in this subaccount  
35 shall be retained in the subaccount and shall be available for  
36 expenditure by the conservancy for the purposes of this chapter.  
37 Not more than 3 percent of the funds that are deposited in this  
38 subaccount shall be utilized by the conservancy for general  
39 administration and planning purposes. No funds may be expended  
40 from this subaccount for an activity that would require a

1 commitment of state funds in the future. The conservancy shall  
2 account for all deposits of funds in this subaccount for the purposes  
3 of this chapter.

4 (2) All reimbursements, proceeds of sale, or other money  
5 received by the conservancy for the purposes of this chapter that  
6 are not expended on projects authorized under the program shall  
7 be deposited in the appropriate subaccount of the account.

8 (c) The conservancy is not required to undertake an activity  
9 pursuant to this chapter until funds from new sources that are not  
10 available to the conservancy as of January 1, 2005, are  
11 appropriated by the Legislature or otherwise made available to the  
12 conservancy for those purposes, and until the State Coastal  
13 Conservancy Fund is reimbursed from moneys in the account for  
14 all administrative or general planning funds expended by the  
15 conservancy for the purposes of this chapter prior to the  
16 appropriation of funds to, or the availability of funds in, the  
17 account for those purposes. In accomplishing the objectives of this  
18 chapter, the conservancy may exercise its authority as provided for  
19 in this division, as well as pursuant to all other express or implied  
20 authority granted to the conservancy.

21 ~~31187.~~—

22 *31188.* In the report to the Governor and the Legislature  
23 required by Section 31108, the conservancy shall discuss its  
24 progress in addressing the goals of this chapter, including, but not  
25 limited to, implementation of the long-term resource management  
26 plan adopted by the commission under Section 29760.

